

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|                          |   |                          |
|--------------------------|---|--------------------------|
| UNITED STATES OF AMERICA | : | Hon. Katharine S. Hayden |
|                          | : |                          |
| v.                       | : | Crim. No. 04-583(KSH)    |
|                          | : |                          |
| ALFRED S. TEO, SR., and  | : |                          |
| MITCHELL LESTER SACKS    | : | <u>ORDER</u>             |

This matter having been brought before the Court on the motion of defendant Alfred S. Teo, Sr. (Richard D. Marshall, Esq., appearing) and the motion of defendant Mitchell Lester Sacks (Michael Critchley, Jr., Esq., appearing), on notice to the United States (John Vazquez, A.U.S.A., appearing), for the dismissal of certain counts of the Superseding Indictment and for the striking language of the Superseding Indictment as surplusage; and the Court having considered all arguments and submissions of counsel; and for the reasons stated by the Court orally on the record on August 15, 2005; and for good cause being shown;

IT IS on this 29<sup>th</sup> day of August, 2005

ORDERED that defendant Teo's motion to dismiss Counts 1 through 3 of the Superseding Indictment is DENIED; and it is

FURTHER ORDERED that defendant Sacks' motion to dismiss Count 4 of the Superseding Indictment is DENIED; and it is

FURTHER ORDERED that defendant Sacks' motion to strike as surplusage certain information from the Superseding Indictment is DENIED.

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/s/ Katharine S. Hayden  
HON. KATHARINE S. HAYDEN  
United States District Judge